Mrs. LINCOLN, Mr. JOHNSON, Mr. INHOFE, Mr. TALENT, Mr. BUNNING, Mr. ALLEN, Mr. ENZI, Mr. SMITH, Ms. LANDRIEU, Mr. DOMENICI, and Mr. CRAPO):

S. Res. 140. A resolution designating the week of August 10, 2003, as ''National Health Center Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 215

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 269

At the request of Mr. JEFFORDS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S . 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 528

At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 528, a bill to reauthorize funding for maintenance of public roads used by school buses serving certain Indian reservations.

S. 910

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 910, a bill to ensure the continuation of non-homeland security functions of Federal agencies transferred to the Department of Homeland Security.

S. 982

At the request of Mrs. BOXER, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 983

At the request of Mr. CHAFEE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1000

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1000, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself, Mr. LEAHY, Mr. COCHRAN, and Mrs. LINCOLN):

S. 1035. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55; to the Committee on Armed Services.

Mr. CORZINE. Mr. President, I rise today to introduce a bill that would reduce the retirement age for members of the National Guard and Reserve from 60 to 55. This change would allow 93,000 reservists currently aged 55 to 59 to retire with full benefits and would restore parity between the retirement systems for Federal civilian employees and reservists.

In the interests of fairness, the United States must act quickly to restore parity between the retirement age for civilian Federal employees and their reserve counterparts. When the reserve retirement system was created in 1947, the retirement age for reservists was identical to the age for civilian employees. At age 60, reservists and government employees could hang up their uniforms and retire with full benefits. However, since 1947, the retirement age for civilian retirees has been lowered by 5 years, while the reserve retirement age has not changed.

The disparate treatment of Federal employees and reservists would have been serious enough had the nature of the work performed by the reserves not changed substantially over the past five decades. But America has never placed greater demands on its ready reserve than it does now. More than 200,000 reservists are serving their country in the war against terrorism at home, abroad, and in the conflict with Iraq. America's dependence on our ready reserve has never been more obvious, as reservists are now providing security at our Nation's airports and air patrols over our major cities. As Charles Cragin, the Deputy Assistant Secretary of Defense, recently noted, ''The nature and purpose of reserve service has changed since the end of the cold war. They are no longer weekend warriors. They represent almost 50 percent of the total force.''

With call-ups that last several months and take reservists far from home, serving the Nation as a reservist has taken on more of the trappings of active duty service than ever before. The recent conflict has only further underscored the demands placed on the National Guard and Reserve. Before the war on terrorism began, reservists were performing about 13 million man-days each year, more than a 10-fold increase over the one million man-days per year the reserves averaged just 10 years ago. These statistics, the latest numbers available, do not even reflect the thousands of reservists who have been deployed since September 11 nor do they take into account the number of reservists who have been deployed in the current military action against Iraq. There is little doubt there will be a dramatic increase in the number of man-days for 2002 and 2003. In my view, with additional responsibility should come additional benefits.

The Department of Defense typically has not supported initiatives like this. The Department has expressed concern over the proposal's cost, which is estimated to be approximately $20 billion over 10 years, although CBO figures are not yet available. However, I am concerned that the Department's position may be shortsighted.

At a time when there is a patriotic fervor and a renewed enthusiasm for national service, it is easy to forget that not long ago, the U.S. military was struggling to meet its recruitment and retention goals. In the aftermath of September 11, defense-wide recruitment and retention rates have improved. However, there is no guarantee that this trend will continue. Unless the overall package of incentives is enhanced, there is little reason to believe that we will be able to attract and retain highly-trained personnel.

Active duty military personnel have often looked to the reserves as a way of continuing to serve their country while being closer to family. With thousands of dollars invested in training active duty officers and enlisted soldiers, the United States benefits tremendously when personnel decide to continue with the reserves. But with reserve deployments increasing in frequency and duration—pulling reservists away from their families and civilian life for longer periods—the benefit of joining the reserves instead of active duty has been severely reduced. The more we depend on the reserves, the greater chance we have of losing highly trained former active duty servicemen and women. The added incentive of full retirement at 55 might provide an important inducement for some of them to stay on despite the surge in deployments.

Enacting this legislation will send the clear message that the United States values the increased sacrifice of our reservists during these trying times. The legislation has been endorsed by key members of the Military Coalition, including the Veterans of Foreign Wars, the Air Force Sergeants Association, the Air Force Association, the Retired Enlisted Association, the Fleet Reserve Association, the Naval Reserve Association, and the National

Guard Association. The bill would restore parity between the reserve retirement system and the civilian retirement system, acknowledge the increased workload of reserve service, and provide essential personnel with an inducement to join and stay in the reserves until retirement.

I hope my colleagues will join me in supporting this important legislation, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN AGE FOR RECEIPT OF MILITARY RETIRED PAY FOR NON-REGULAR SERVICE.

(a) REDUCTION IN AGE.—Section 12731(a)(1) of title 10, United States Code, is amended by striking ''at least 60 years of age'' and inserting ''at least 55 years of age''.

(b) APPLICATION TO EXISTING PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch, that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to the age in effect for qualification for such retired pay under section 12731(a) of title 10, United States Code, as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply to retired pay payable for that month and subsequent months.

By Mr. ALLARD (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. ROBERTS, Mr. CAMPBELL, Mr. BURNS, and Mr. CRAIG):

S. 1036. A bill to provide for a multiagency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ALLARD. Mr. President, last year, I joined eleven colleagues in an effort to pass legislation that dealt with the eradication, monitoring, and surveillance of chronic wasting disease. Today, I am offering similar legislation, the ''Chronic Wasting Disease Support Act of 2003.'' Before I discuss the legislation further, I first want to thank Senator FEINGOLD for his leadership on this matter and for working diligently to eradicate the disease. I also want to congratulate the State of Colorado, especially those Departments and Divisions that have been on the leading edge of disease management and eradication. They faced a horrendous task—processing tens of thousands of tests on a tight time frame. While more work lies ahead, they are to be commended for their effort.

What was first a serious problem in the western United States, chronic wasting disease now poses a serious threat to every State of the union. As a United States Senator, chronic wasting disease presents not only a great animal health challenge, but a scientific quandary as well. As a veterinarian, chronic wasting disease presents an even greater challenge to the scientific communities of both the States and the Federal Government because we know so little about the disease. This legislation, cosponsored by Senators FEINGOLD, KOHL, ROBERTS, CAMPBELL, BURNS and CRAIG, is a bipartisan effort to defeat the disease and to send a message that CWD must remain a priority for the Federal Government.

The importance of this bill to both the State and Federal Government cannot be emphasized enough. It authorizes $34.5 million in the battle against chronic wasting disease. Although the bill authorizes a substantial amount Federal funding to fight and eradicate the disease, the States will retain their undisputed primacy and policy-making authority with regard to wildlife management. Nothing in this act interferes with or otherwise affects the primacy of the States in managing wildlife generally, or managing, surveying and monitoring the incidence of chronic wasting disease. It is important that all members of our delegation and in both the House and the Senate, coordinate our efforts as we fight the disease.

Chronic wasting disease, or CWD, may be a new threat to some. Others may not be familiar with it at all. However, it is not new to those of us in Colorado and Wyoming, who have been dealing with it for over twenty years, and if the disease continues to spread, those unfamiliar with the fatal disease will, unfortunately, become experts in CWD policy. The scientific community has gone to great lengths to deal with the disease on limited budgets. These experts, through scientific publication and Congressional hearings, have told us that, although we have learned a tremendous amount about chronic wasting disease, there is much that we do not know and much that we must do to eradicate it.

One thing we do know is that sound science is the answer, and that the Chronic Wasting Disease Support Act of 2003 is intended to greatly increase research, monitoring, surveillance, and management of the disease on all levels. It bolsters testing capacity, diagnostics capabilities, and funding authorization.

Increased research and research funding is necessary because the disease is quite simply a mystery—the origin and transmission of CWD remains unknown. Unfortunately, the only way to treat an animal with CWD or to contain the disease is to destroy the animal and cull the herd. Together, we must embark on an ambitious and sound scientific commitment for research and investigation to end chronic wasting disease. That is what this bill calls for—cooperation and collaboration, working together at both the State and Federal level to achieve a common objective. We must end chronic wasting disease, and we must begin our eradication efforts now.

The impact CWD will have on wildlife and agriculture is undeniable, and the economic and emotional toll of the disease cannot be overstated. Communities that are economically reliant upon deer and elk related enterprises will feel the impact of CWD as concern about the disease grows. But we can stop this, and we must stop this. We have an opportunity to restore cervid health, to contain the disease, and, most importantly, to eradicate the disease. This is the challenge that I urge my colleagues to accept, and to take decisive action; adequate research funding that is directed toward the complete eradication of chronic wasting disease starts with this authorizing legislation.

In those States that are already dealing with CWD, the fiscal demands required to manage the disease is quite apparent. State budgets are stretched thin as they cull wild and captive herds and research for workable solutions to stop the disease. With State budgets already strained, an infusion of Federal resources and technical assistance is required to help the States keep CWD from spreading, to treat infected or exposed populations, and to greatly expand research for testing and possible cures. This bill does just that by providing assistance in the form of grants, Federal research programs and incidence reporting, as well as scientific assistance. State and Federal cooperation will protect animal welfare, safeguard our valued livestock industry, provide relief to family elk ranchers, help guarantee America's food safety, and protect the public health.

The Chronic Wasting Disease Support Act of 2003 provides the foundation for a nationwide increase in diagnostic capabilities. Undoubtedly, the spread of CWD and the increased awareness of the disease, will cause the demand for testing to grow exponentially—this bill helps us prepare to handle a large volume of cases efficiently and reliably. The legislation calls for the development of new testing methods to help us understand the disease, as well as developing a live test.

Chronic wasting disease presents a common problem to the States and the Federal Government. The Federal conduit role that is provided in the bill will allow animal health experts to unravel the CWD mystery. The challenge we face is to achieve what we all recognize as a common objective—to understand CWD and to eradicate it. But, we must act quickly or this disease will redefine the wildlife characteristics of our States.

Thank you, Senator FEINGOLD. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Chronic Wasting Disease Support Act of 2003''.

SEC. 2. DEFINITION OF CHRONIC WASTING DISEASE.

In this Act, the term ''chronic wasting disease'' means the animal disease afflicting deer and elk that—

(1) is a transmissible disease of the nervous system resulting in distinctive lesions in the brain; and

(2) belongs to the group of diseases known as transmissible spongiform encephalopathies, which group includes scrapie, bovine spongiform encephalopathy, and Cruetzfeldt-Jakob disease.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Pursuant to State and Federal law, the States retain undisputed primacy and policymaking authority with regard to wildlife management, and nothing in this Act interferes with or otherwise affects the primacy of the States in managing wildlife generally, or managing, surveying, and monitoring the incidence of chronic wasting disease.

(2) Chronic wasting disease, the fatal neurological disease found in cervids, is a fundamental threat to the health and vibrancy of deer and elk populations, and the increased occurrence of chronic wasting disease in regionally diverse locations in recent months necessitates an escalation in research, surveillance, monitoring, and management activities focused on containing, managing, and eradicating this lethal disease.

(3) As the States move to manage existing incidence of chronic wasting disease and insulate non-infected wild and captive cervid populations from the disease, the Federal Government should endeavor to provide integrated and holistic financial and technical support to these States.

(4) In its statutory role as supporting agent, relevant Federal agencies should provide consistent, coherent, and integrated support structures and programs for the benefit of State wildlife and agricultural administrators, as chronic wasting disease can move freely between captive and wild cervids across the broad array of Federal, State, and local land management jurisdictions.

(5) The Secretary of the Interior, the Secretary of Agriculture, and other affected Federal authorities can provide consistent, coherent, and integrated support systems under existing legal authorities.

TITLE I—DEPARTMENT OF THE INTERIOR ACTIVITIES

SEC. 101 GRANTS FOR STATE AND TRIBAL EFFORTS TO MANAGE CHRONIC WASTING DISEASE IN WILDLIFE.

(a) AVAILABILITY OF ASSISTANCE.—The Secretary of the Interior shall develop a grant program to allocate funds appropriated to carry out this section directly to the State agency responsible for wildlife management in each State that petitions the Secretary for a portion of such fund to develop and implement long term management strategies to address chronic wasting disease in wildlife.

(b) FUNDING PRIORITIES.—In determining the amounts to be allocated to grantees under subsection (a), priority shall be given based on the following criteria:

(1) Relative scope of incidence of chronic wasting disease in the State, with priority given to those jurisdictions with the highest incidence of the disease.

(2) Expenditures on chronic wasting disease management, monitoring, surveillance, and research, with priority given to those States and tribal governments that have shown the greatest financial commitment to managing, monitoring, surveying, and researching chronic wasting disease.

(3) Comprehensive and integrated policies and programs focused on chronic wasting disease management between involved State wildlife and agricultural agencies and tribal governments, with priority given to grantees that have integrated the programs and policies of all involved agencies related to chronic wasting disease management.

(4) Rapid response to new outbreaks of chronic wasting disease, whether occurring in States in which chronic wasting disease is already found or States with first infections, with the intent of containing the disease in any new area of infection.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this subsection.

SEC. 102. COMPUTER MODELING OF DISEASE SPREAD IN WILD CERVID POPULATIONS.

(a) MODELING PROGRAM REQUIRED.—The Secretary of the Interior shall establish a modeling program to predict the spread of chronic wasting disease in wild deer and elk in the United States.

(b) ROLE.—Computer modeling shall be used to identify areas of potential disease concentration and future outbreak and shall be made available for the purposes of targeting public and private chronic wasting disease control efforts.

(c) DATA INTEGRATION.—Information shall be displayed in a GIS format to support management use of modeling results, and shall be displayed integrated with the following:

(1) Land use data.
(2) Soils data.
(3) Elevation data.
(4) Environmental conditions data.
(5) Wildlife data; and
(6) Other data as appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $1,000,000 under this section.

SEC. 103. SURVEILLANCE AND MONITORING PROGRAM REGARDING PRESENCE OF CHRONIC WASTING DISEASE IN WILD HERDS OF DEER AND ELK.

(a) PROGRAM DEVELOPMENT.—Using existing authorities, the Secretary of the Interior, acting through the United States Geological Survey, shall conduct a surveillance and monitoring program on Federal lands managed by the Secretary to identify—

(1) the incidence of chronic wasting disease infection in wild herds of deer and

(2) the cause and extent of the spread of the disease; and

(3) potential reservoirs of infection and vectors promoting the spread of the disease.

(b) TRIBAL ASSISTANCE.—In developing the surveillance and monitoring program for wild herds on Federal lands, the Secretary of the Interior shall provide assistance to tribal governments or tribal government entities responsible for managing and controlling chronic wasting disease in wildlife on tribal lands.

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $3,000,000 to establish and support the surveillance and monitoring program.

SEC. 104. NATIONAL REPOSITORY OF INFORMATION REGARDING CHRONIC WASTING DISEASE.

(a) INFORMATION REPOSITORY.—The United States Department of the Interior, using existing authorities, shall develop and maintain an interactive, Internet based web site that displays—

(1) surveillance and monitoring program data regarding chronic wasting disease in both wild and captive cervid populations and other wildlife that are collected by the Department of the Interior, the Department of Agriculture, other Federal agencies, State agencies, and tribal governments assisted under this Act; and

(2) modeling information regarding the spread of chronic wasting disease in the United States; and

(3) other relevant information regarding chronic wasting disease received from other sources.

(b) INFORMATION SHARING POLICY.—The national repository shall be available as a resource for Federal and State agencies responsible for managing and controlling chronic wasting disease and for institutions of higher education and other public or private research entities conducting research regarding chronic wasting disease. Data from the repository shall be made available to other Federal agencies, State agencies and the general public upon request.

TITLE II—DEPARTMENT OF AGRICULTURE ACTIVITIES

SEC. 201. SAMPLING AND TESTING PROTOCOLS

(a) SAMPLING PROTOCOL.—Within 30 days of enactment of this Act, the Secretary of Agriculture shall release guidelines for the use by Federal, State, tribal and local agencies for the collection of animal tissue to be tested for chronic wasting disease. Guidelines shall include, at a minimum, procedures for the collection and stabilization of tissue samples for transport for laboratory assessment. Such guidelines shall be updated as necessary.

(b) TESTING PROTOCOL.—Within 30 days of enactment of this Act, the Secretary of Agriculture shall release a protocol to be used in the laboratory assessment of samples of animal tissue that may be contaminated with chronic wasting disease.

(c) LABORATORY CERTIFICATION AND INSPECTION PROGRAM.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a program for the certification and inspection of Federal and non-Federal laboratories (including private laboratories) under which the Secretary shall authorize laboratories certified under the program to conduct tests for chronic wasting disease.

(2) VERIFICATION.—In carrying out the program established under paragraph (1), the Secretary may require that the results of any tests conducted by private laboratories shall be verified by Federal laboratories.

(d) DEVELOPMENT OF NEW TESTS.—Not later than 45 days after the date of enactment of this Act, the Secretary shall accelerate research into—

(1) the development of animal tests for chronic wasting disease, including—

(A) tests for live animals; and

(B) field diagnostic tests; and

(2) the development of testing protocols that reduce laboratory test processing time.

SEC. 202. ERADICATION OF CHRONIC WASTING DISEASE IN HERDS OF DEER AND ELK.

(a) CAPTIVE HERD PROGRAM DEVELOPMENT.—The Secretary of Agriculture, acting through the Animal and Plant Health Inspection Service, shall develop a program to identify the rate of chronic wasting disease infection in captive herds of deer and elk, the cause and extent of the spread of the disease, and potential reservoirs of infection and vectors promoting the spread of the disease.

(1) IMPLEMENTATION.—The Secretary of Agriculture shall provide financial and technical assistance to States and tribal governments to implement surveillance and monitoring program for captive herds.

(2) COOPERATION.—In developing the surveillance and monitoring program for captive herds, the Secretary of Agriculture shall cooperate with State agencies responsible for managing and controlling chronic wasting disease in captive wildlife. Grantees under this section shall submit to the Secretary of Agriculture a plan for monitoring chronic wasting disease in captive wildlife and reducing the risk of disease spread through captive wildlife transport. As a condition of awarding aid under this section, the Secretary of Agriculture may prohibit or restrict the—

(A) movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of chronic wasting disease; and

(B) use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of chronic wasting disease.

(3) COORDINATION.—The Secretary of Agriculture, in cooperation with the Secretary of the Interior, shall establish uniform standards for the collection and assessment of samples and data derived from the surveillance and monitoring program.

(b) CAPTIVE HERD PROGRAM.—The Secretary of Agriculture, acting through the Animal and Plant Health Inspection Service, shall, consistent with existing authority, provide grants to assist states in reducing the incidence of chronic wasting disease infection in captive herds of deer and elk.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture $8,000,000 to conduct activities under this section, of which no less than $6 million is to be awarded to State and tribal governments.

SEC. 203. EXPANSION OF DIAGNOSTIC TESTING CAPACITY.

(a) PURPOSE.—Diagnostic testing will continue to be conducted on samples collected under the surveillance and monitoring programs regarding chronic wasting disease conducted by the States and the Federal Government and Indian Tribes, including the programs required by this Act, but current laboratory capacity is inadequate to process the anticipated sample load.

(b) UPGRADING OF FEDERAL FACILITIES.—The Secretary of Agriculture shall provide for the upgrading of Federal laboratories to facilitate the timely processing of samples from the surveillance and monitoring programs required by this Act and related epidemiological investigation in response to the results of such processing.

(c) UPGRADING OF CERTIFIED LABORATORIES.—Using the grant authority provided under section 2(d) of the Competitive, Special and Facilities Research Grant Act (7 U.S.C. 450i(d)), the Secretary of Agriculture shall make grants to provide for the upgrading of laboratories certified by the Secretary to facilitate the timely processing of samples from surveillance and monitoring programs and related epidemiological investigation in response to the results of such processing.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture $7,500,000 to carry out this section.

SEC. 204. EXPANSION OF AGRICULTURAL RESEARCH SERVICE RESEARCH.

(a) EXPANSION.—The Secretary of Agriculture, acting through the Agricultural Research Service, shall expand and accelerate basic research on chronic wasting disease, including research regarding detection of chronic wasting disease, genetic resistance, tissue studies, and environmental studies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture $1,000,000 to carry out this section.

SEC. 205. EXPANSION OF COOPERATIVE STATE RESEARCH, EDUCATION AND EXTENSION SERVICE SUPPORTED RESEARCH AND EDUCATION.

(a) RESEARCH EFFORTS.—The Secretary of Agriculture, acting through the Cooperative State Research, Education and Extension Service, shall expand the grant program regarding research on chronic wasting disease.

(b) EDUCATIONAL EFFORTS.—The Secretary of Agriculture shall provide educational outreach regarding chronic wasting disease to the general public, industry and conservation organizations, hunters, and interested scientific and regulatory communities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture—

(1) $3,000,000 to carry out subsection (a); and

(2) $1,000,000 to carry out subsection (b).

TITLE III—GENERAL PROVISIONS

SEC. 301. INTERAGENCY COORDINATION.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall enter into a cooperative agreement for the purpose of coordinating actions and disbursing funds authorized under this Act to prevent the spread of chronic wasting disease and related diseases in the United States.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall submit to Congress a report that—

(1) describes actions that are being taken, and will be taken, to prevent the further outbreak of chronic wasting disease and related diseases in the United States; and

(2) contains any additional recommendations for additional legislative and regulatory actions that should be taken to prevent the spread of chronic wasting disease in the United States.

SEC. 303. RULEMAKING.

(a) JOINT RULEMAKING.—To ensure that the surveillance and monitoring programs and research programs required by this Act are compatible and that information collection is carried out in a manner suitable for inclusion in the national database required by section 102, the Secretary of the Interior and the Secretary of Agriculture shall jointly promulgate rules to implement this Act.

(b) PROCEDURE.—The promulgation of the rules shall be made without regard to—

(1) chapter 5 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'');

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) the notice and comment provisions of section 553 of title 5, United States Code.

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of the Interior and the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) RELATION TO OTHER RULEMAKING AND LAW.—The requirement for joint rulemaking shall not be construed to require any delay in the promulgation by the Secretary of Agriculture of rules regarding the interstate transportation of captive deer or elk or to effect any other rule or public law implemented by the Secretary of Agriculture or the Secretary of the Interior regarding chronic wasting disease before the date of the enactment of this Act.

Mr. FEINGOLD. Mr. President, today, I am pleased to join the Senator from Colorado (Mr. ALLARD) in introducing comprehensive legislation to address the problem of chronic wasting disease. This legislation is similar to legislation we introduced last year, updated to reflect current status of this issue. I am delighted to be continuing my efforts with him on this bill and to again also be working with my senior Senator from Wisconsin (Mr. KOHL) and commend them and their staff for all their tireless efforts.

This disease is a serious problem affecting both wild and captive deer in my home State of Wisconsin. It has spread from Wisconsin to the neighboring states of Minnesota and Illinois. This legislation is acutely needed, as Wisconsin's experience in getting Federal assistance to address this problem, though eventually forthcoming, has been extremely slow and frustrating. The Federal Government must make chronic wasting disease a higher priority, and Congress must provide the relevant federal agencies with the additional funds and authority so that they can do so.

Congress delayed action on this bill in the last Congress, under promises that the Department of the Interior, DOI, and the Department of Agriculture, USDA, would be acting quickly to put together and implement a comprehensive CWD management plan. It has now been nearly a year, and no such plan has emerged. I was successful in getting a provision included in the 2003 Omnibus Appropriations bill calling for the plan to be released no later than May 20, 2003. That deadline is rapidly approaching, and the legislation we introduce today will provide a clear message—CWD must be a priority for the Federal Government and for this administration.

A coordinated approach is needed, due to the severity of this disease, its ability to spread, and our urgent need for information to address it. Chronic wasting disease belongs to the family of transmissible spongiform encephalopathies, TSEs, diseases. TSEs are a group of transmissible, slowly progressive, degenerative diseases of the central nervous systems of several species of animals. Animal TSEs include, in addition to chronic wasting disease, CWD, in deer and elk, bovine spongiform encephalopathy in cattle, scrapie in sheep and goats, feline spongiform encephalopathy in cats, and mink spongiform encephalopathy in mink.

The State of Wisconsin has just completed an historic effort to test the deer in our State. Results from more than 41,000 whitetail deer tested in our State have turned up 207 CWD positive animals. Almost all of the infected deer, 201 of the total, came from a 411 square mile eradication zone of Dane,

Iowa and Sauk counties. My State began intensive testing of deer after CWD was discovered on February 28, 2002. Over 1,200 people in my State have been involved, conducting thousands of hours of work at millions of dollars of expense. CWD has also been found in several captive herds in my State as well.

In that vein, the legislation we are introducing in comprehensive, addressing both captive and wild animals and short term and long term needs. It authorizes a $34.5 million Federal chronic wasting disease program that will be administered by the United States Departments of Interior and Agriculture, USDA. It is similar to legislation being introduced today in the House of Representatives by the Representatives from Colorado (Mr. MCINNIS), and from Wisconsin (Mr. GREEN), and was cosponsored on a bipartisan basis by Wisconsin delegation members in the House Of Representatives in the last Congress. I think it is extremely appropriate that legislators from Colorado, the state that has the longest history in chronic wasting disease, have made a concerted effort to work with Wisconsin members who are struggling with a new outbreak. I deeply appreciate the commitment of the Representative from Colorado (Mr. MCINNIS), toward finding a solution that works for both our States. I think these are good comprehensive efforts, and I would like to highlight a few provisions in detail.

The bill I am introducing with the Senator from Colorado (Mr. ALLARD), authorizes $16 million for grants to States and tribal governments battling CWD. The Interior Department to give up to $10 million in grants to States to help them plan and implement management strategies to address chronic wasting disease in both wild herds of deer and elk. The Interior Department is directed, in addition, to develop a national chronic wasting disease incident database, building on the existing USDA reporting program. The USDA is authorized to award up to $6 million in grants to those same entities for the management of CWD in captive deer and elk. These amounts are nearly triple $5.6 million that USDA made available to States for use to address CWD in both captive and wild cervids.

I am particularly pleased that the Senator from Colorado (Mr. ALLARD), has incorporated provisions that I authored to address Wisconsin's ongoing need for enhanced testing capacity to move toward a system of widely available testing for hunters. Under the bill, USDA is required to release, within 30 days, protocols both for labs to use in performing tests for chronic wasting disease and for the proper collection of animal tissue to be tested. USDA is further required to develop a certification program for Federal and non-Federal labs, including private labs, conducting chronic wasting disease tests within 30 days of enactment. I hope all these measures will enhance Wisconsin's capacity to continue its deer testing program. To address longer term needs, the USDA is directed to accelerate research into the development of live animal tests for chronic wasting disease, including field diagnostic tests, and the development of testing protocols that reduce laboratory test processing time.

This bill is needed, because State wildlife and agriculture departments do not have the fiscal or scientific capacity to adequately confront the problem. Their resources are spread too thin as they attempt to prevent the disease from spreading. Federal help in the form of management funding, research grants, and scientific expertise is urgently needed. Federal and state cooperation will protect animal welfare, safeguard our valued livestock industry, help guarantee America's food safety, and protect the public health.

I look forward to working with my colleague from Colorado (Mr. ALLARD), to seek passage of this measure. This is a good bill and it deserves the Senate's support.

By Ms. SNOWE (for herself, Mr. ROCKFELLER, Mr. WARNER, Mr. HOLLINGS, Mr. KERRY, Ms. COLLINS, Mr. CARPER, Mr. ALLEN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. FITZGERALD, Mr. DORGAN, Mr. CORZINE, Mr. CAMPBELL, Mr. SCHUMER, Mr. CHAFEE, Mr. SMITH, Mr. HARKIN, Ms. MIKULSKI, Ms. CANTWELL, Mr. NELSON of Nebraska, Mr. CRAIG, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 1037. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of all oral anticancer drugs; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce, the Access to Cancer Therapies Act, which will extend Medicare coverage for all oral anticancer drugs. This legislation will help ensure that Medicare beneficiaries with cancer have access to the most advanced and effective drug therapies. I am pleased to be joined today by 19 of my colleagues in introducing this legislation. The strong bipartisan support the bill has received, even before introduction, indicates its importance to members of the Senate.

As we know, presently Medicare does not include an outpatient prescription drug benefit. While this is a tremendous hardship for all beneficiaries, it is especially difficult for seniors who have cancer, which prevents them from receiving the most appropriate drug treatments as recommended by their physicians.

Enacting a comprehensive Medicare drug benefit is certainly one of my top priorities. However, even if we are successful and enact a bill into law this year, the comprehensive benefit is not expected to be available until 2006 at the earliest. This bill, on the other hand, would allow Medicare to begin coverage of oral anticancer drugs within 90 days of enactment. These patients are facing life and death choices, I believe it is our responsibility to provide access to the most effective and appropriate drug therapies.

Congress recognizes the importance of expanding coverage to vital cancer treatments and in 1993 created a unique Medicare drug benefit for oral anticancer drugs. Unfortunately, coverage under this law only is provided if the drug is equivalent to drugs provided ''incident'' to a physician visit; for example, drugs that must be injected. At present, upwards of 95 percent of cancer drug therapy is covered by Medicare either in a physician office or as an oral form, which qualifies under the 1993 legislation. However, in the very near future as much as 25 percent of cancer drug therapies will be oral drugs not covered. By enacting this legislation into law, we can ensure these new outpatient cancer treatment therapies will be available to Medicare beneficiaries.

This is a developing trend. Today, there are about 40 oral anti-cancer drugs, but less than 10 are reimbursed by Medicare. In fact, one of the most common and effective drugs used in the treatment of breast cancer, tamoxifen, is among those drugs that currently are not reimbursed by Medicare.

As cancer therapy becomes more reliant on oral drugs, Medicare coverage policy must be updated to cover the new therapies. Otherwise the intent of the very limited 1993 policy will become meaningless and Medicare beneficiaries will increasingly lose access to the best cancer therapies.

Let me provide some very encouraging examples of oral anti-cancer drugs that illustrates the urgency of both this policy change and of enacting Medicare prescription drug legislation. Over the past two years, the FDA has approved a number of remarkable oral anticancer drugs that are producing outstanding results. Two such examples include Gleevec, which was approved in 2001 and IRESSA, which was approved on May 5.

Gleevec is used to treat one type of leukemia and may also be effective against a rare but lethal stomach cancer. It is the first, let me repeat, first, cancer drug to specifically address a molecular target, which not only is in the cancer, but actually is the cause of the cancer, according to the National Cancer Institute. More precisely, Gleevec eliminates a specific enzyme needed for the cancer to thrive. By contrast, most current cancer therapies act like a shotgun, killing both cancer and normal cells.

IRESSA, another revolutionary oral anticancer drug that the FDA recently approved, treats advanced non-small-cell lung cancer, NSCLC. Considering lung cancer is the leading cause of cancer deaths in the United States, estimated to account for approximately 157,000 deaths in 2003, and NSCLC is the

most common form of lung cancer, accounting for 80 percent of all lung cancer cases, it is imperative that Medicare beneficiaries have access to this new drug. For many who do not respond to chemotherapy treatments, IRESSA is the last line of defense.

However, both of these cancer treatments are expensive. For instance, while Gleevec is a revolutionary and highly effective treatment, it is not a cure. It simply arrests the cancer and returns most lab tests to normal, requiring many patients to take the drug for life. Considering the extraordinary costs of these treatments—a month's supply of Gleevec costs upwards of $2,400 and IRESSA, the last treatment option for many NSCLC patients, costs approximately $1,900 per month of treatment, with the average treatment lasting seven months—Medicare coverage is a necessity.

It is imperative that Medicare provide reliable access to these advanced medications to help beneficiaries with cancer. Biomedical research is providing new, more targeted, and less toxic methods of treatment through new oral anti-cancer drugs that patients can safely take in the comfort of their own homes, which will help improve outcomes and enhance patient quality of life.

We must act now to ensure all oral anti-cancer drugs are available to our seniors. The Access to Cancer Therapies Act will build on current Medicare policy by ensuring coverage of all anti-cancer drugs, whether oral or injectable, are available to Medicare beneficiaries. The Act will provide beneficiaries with access to innovative new therapies that are less toxic and more convenient, more clinically effective and more cost-effective than many currently covered treatment options. I urge my colleagues to support this bill.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce a small bill, but one with important consequences. My measure, the ''Access to Cancer Therapies Act,'' would provide coverage of all oral anti-cancer drugs under the Medicare program. I am pleased to join Senator SNOWE in introducing this measure.

As my colleagues know, there is no Medicare outpatient prescription drug benefit today. If there was, we would not need this legislation. There should be and there must be a meaningful and fair Medicare prescription drug benefit this year. Seniors are reeling from the burden of their prescription drug expenses, and they can't defer their illnesses or their costs.

This legislation also reminds us of how crucial prescription drug coverage will be in the future. In 1993, Congress created a unique Medicare drug benefit for oral anti-cancer drugs—but only if the drug is equivalent to drugs provided ''incident'' to a physician visit; for example, drugs that must be injected. At present, upwards of 90 percent of cancer drug therapy is covered by Medicare either in a physician office or in a reimbursed oral form. But by 2010 as much as 25 percent of cancer drug therapy will be in the form of oral drugs that are not currently covered.

As cancer therapy moves more toward reliance on oral drugs, Medicare coverage policy must be updated to cover the new therapies, or else even the intent of this very limited policy will be meaningless and Medicare beneficiaries will increasingly lose access to the best cancer therapies. And without this legislative change, beneficiaries will increasingly bear the burden of buying these drugs from their own pockets, which most seniors can ill-afford.

While biomedical research is providing new, more targeted, and less toxic methods of treatment through new oral anti-cancer drugs that patients can safely take in the comfort of their own homes, Medicare policy is currently unable to provide reliable access to these medications for beneficiaries with cancer.

This legislation is important not only to seniors surviving cancer, but to all Americans. A recent poll conducted for the National Coalition of Cancer Survivorship found that 9 out of 10 Americans believe that Medicare should pay for all medically approved cancer therapies.

Even if we do not succeed in enacting a comprehensive Medicare drug benefit this year, it is time to do what Americans want for cancer survivors by passing the Access to Cancer Therapies Act in the 108th Congress. This legislation gives people with cancer immediate access to life-saving drugs. This is a stopgap provision that would be phased out when a comprehensive Medicare drug benefit is put into place that would cover oral anti-cancer drugs consistently with all other drugs.

At the very least, we must ensure all oral anti-cancer drugs are available to our seniors. The Access to Cancer Therapies Act will build on current Medicare policy by ensuring coverage of all anti-cancer drugs, whether oral or injectable, are available to Medicare beneficiaries. The act will provide beneficiaries with access to innovative new therapies that are less toxic and more convenient, more clinically effective and more cost-effective than many currently covered treatment options. In the last Congress, 57 Senators cosponsored this bill. This is an opportunity to improve our Medicare program immediately. I urge my colleagues to support this bill.

By Mr. THOMAS (for himself, Mr. ENZI, Mr. CRAIG, Mr. STEVENS, and Mr. BURNS):

S. 1038. A bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I rise to introduce the ''No-Net-Loss of Private Lands Act.'' This legislation is a common sense proposal which will limit additional Federal land acquisition in the public land States.

Throughout our country, the Federal Government continues to acquire greater amounts of land. It is time to stop the growth of the Federal Government and begin to protect private property.

This is especially true for those of us living in the West. Roughly 50 percent of the land in my home State of Wyoming is owned by the Federal Government. Many other western States have an even higher percentage of Federal ownership, including Nevada and Alaska that have over 80 percent of their surface land owned by the Federal Government.

Unfortunately, the Federal Government has not always been a good neighbor to the people of the West. The Federal land management agencies continue to acquire vast amounts of land and restrict access to these areas for multiple use purposes. This creates great hardship for local communities, destroying jobs and depressing the economy in many areas around the West.

The time has come to curb the Federal Government's insatiable appetite for additional land in the United States. The ''No-Net-Loss of Private Lands Act'' is a reasonable approach to stopping the ever-increasing growth of Federal land ownership. This measure requires the Federal Government to release an equal value of land when it acquires property in States which are at least 25 percent federally-owned. Property would be released at the time of the new acquisition, and land disposal would not necessarily have to come from the same agency making the acquisition. In addition, the legislation includes a provision waving the disposal requirement in time of war or national emergency.

During my time in Congress, I have worked extensively to protect unique public lands such as national parks and other special areas. This legislation would do nothing to limit our ability to acquire more of these pristine and special areas in the future. Unfortunately, the Federal Government's quest for more land has included too many areas that do not contribute to our natural resource heritage. Rather, acquisitions often simply lock-up areas that should remain private and productive.

It is time for Congress to protect the rights of private property owners and instill some restraint in Federal land acquisitions. The ''No-Net-Loss of Private Lands Act'' is a reasonable proposal that will provide this much needed discipline.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Net Loss of Private Land Act''.

SEC. 2. LIMITATION ON ACQUISITION OF LAND.

(a) IN GENERAL.—Notwithstanding any other law, the United States may acquire an interest in 100 or more acres of land within a State described in subsection (c) only if, before any such acquisition, the United States disposes of the surface estate to land in that State in accordance with subsection (b).

(b) DISPOSITION OF SURFACE ESTATE.—The disposition of the surface estate in land by the United States qualifies for the purposes of this section if—

(1) the value of the surface estate of the land disposed of by the United States is approximately equal to the value of the interest in land subject to this section that is to be acquired by the United States, as determined by the head of the department, agency, or independent establishment concerned; and

(2) the head of the department, agency, or independent establishment concerned certifies that the United States has disposed of land for the purpose of this section.

(c) AFFECTED STATES.—A State is described in this section if—

(1) it is 1 of the States of the United States; and

(2) 25 percent or more of the land within that State is owned by the United States.

(d) ACQUISITION.—For the purpose of this section, the term ''acquire'' includes acquisition by donation, purchase with donated or appropriated funds, exchange, devise, and condemnation.

(e) APPLICABILITY.—This section does not apply to—

(1) any land held in trust for the benefit of an Indian tribe or individual or held by an Indian tribe or individual subject to a restriction by the United States against alienation;

(2) real property acquired pursuant to a foreclosure under title 18, United States Code;

(3) real property acquired by any department, agency, or independent establishment in its capacity as a receiver, conserver, or liquidating agent which is held by that department, agency, or independent establishment in its capacity as a receiver, conserver, or liquidating agent pending disposal;

(4) real property that is subject to seizure, levy, or lien under the Internal Revenue Code of 1986; or

(5) real property that is securing a debt owed to the United States.

(e) WAIVER.—The head of a department, agency, or instrumentality of the United States may waive the requirements of this section with respect to the acquisition of land by that department, agency, or instrumentality during any period in which there is in effect a declaration of war or a national emergency declared by the President.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 138—TO AMEND RULE XXII OF THE STANDING RULES OF THE SENATE RELATING TO THE CONSIDERATION OF NOMINATIONS REQUIRING THE ADVICE AND CONSENT OF THE SENATE

Mr. FRIST (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. STEVENS, Mr. SANTORUM, Mr. KYL, Mrs. HUTCHISON, Mr. ALLEN, Mr. LOTT, Mr. HATCH, Mr. CORNYN, and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 138

Resolved, That rule XXII of the Standing Rules of the Senate is amended—

(1) in paragraph (2), by striking ''Notwithstanding'' and inserting ''Except as provided by paragraph 3 and notwithstanding''; and

(2) by adding at the end the following:

''3. (a) The provisions of this paragraph shall apply to the considerations of nominations requiring the advice and consent of the Senate.

''(b)(1) Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate and after a nomination requiring the advice and consent of the Senate has been pending before the Senate for at least 12 hours, a motion signed by 16 Senators to bring to a close the debate on that nomination may be presented to the Senate and the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and 1 hour after the Senate meets on the following calendar day but 1, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question: 'Is it the sense of the Senate that the debate shall be brought to a close?'.

''(2) If the question in clause (1) is agreed to by three-fifths of the Senators duly chosen and sworn then the nomination pending before the Senate shall be the unfinished business to the exclusion of all other business until disposed of.

''(3) After cloture is invoked, no Senator shall be entitled to speak in all more than 1 hour on the nomination pending before the Senate and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. No dilatory motion shall be in order. Points of order and appeals from the decision of the Presiding Officer shall be decided without debate.

''(4) After no more than 30 hours of consideration of the nomination on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The 30 hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any 1 calendar day.

''(5) Notwithstanding other provisions of this rule, a Senator may yield all or part of his 1 hour to the majority or minority floor managers of the nomination or to the Majority or Minority Leader, but each Senator specified shall not have more than 2 hours so yielded to him and may in turn yield such time to other Senators.

''(6) Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least 10 minutes, is, if he seeks recognition, guaranteed up to 10 minutes, inclusive, to speak only.

''(c)(1) If, upon a vote taken on a motion presented pursuant to subparagraph (b), the Senate fails to invoke cloture with respect to a nomination pending before the Senate, subsequent motions to bring debate to a close may be made with respect to the same nomination. It shall not be in order to file subsequent cloture motions on any nomination, except by unanimous consent, until the previous motion has been disposed of.

''(2) Such subsequent motions shall be made in the manner provided by, and subject to the provisions of, subparagraph (b), except that the affirmative vote required to bring to a close debate upon that nomination shall be reduced by 3 votes on the second such motion, and by 3 additional votes on each succeeding motion, until the affirmative vote is reduced to a number equal to or less than an affirmative vote of a majority of the Senators duly chosen and sworn. The required vote shall then be a simple majority.''.

Mr. HATCH. Mr. President, I rise today to offer my support for the introduction of this resolution which offers a more than reasonable proposal to fix a confirmation process that Members on both ides of the aisle agree is broken.

Simultaneous filibusters of two circuit court nominees who would clearly be confirmed in up-or-down votes are unprecedented. From what I understand, the minority has plans for even more filibusters of judicial nominees. The resulting politicization of the confirmation process threatens the untarnished respect in which we hold our third branch of Government—the one branch of Government intended to be above political influence.

There is also a significant constitutional consideration at stake here. In its enumeration of Presidential powers, the Constitution specifies that the confirmation process begins and ends with the President. The Senate has the intermediary role of providing advice and consent. Here is the precise language of article II, section 2:

> The President . . . shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law[.]

There is no question that the Constitution squarely places the appointment power in the hands of the President. As Alexander Hamilton explained the The Federalist No. 66:

> It will be the Office of the President to nominate, and, with the advice and consent of the Senate, to appoint. There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive, and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice he may have made.

It is significant that the Constitution outlines the Senate's role in the appointments process in the enumeration of Presidential powers in article II, rather than in the enumeration of congressional powers in article I. This choice suggests that the Senate was intended to play a more limited role in the confirmation of Federal judges.

Hamilton's discussion of the appointments clause in The Federalist No. 76